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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**  
James Baumgardner *et al.*

**Application No.:** 10/071,434

Group Art Unit: 3737

**Filed:** 02/08/2002

Examiner: To be Assigned

**Title:** Quantitative Pulmonary Imaging

Assistant Commissioner for Patents  
Washington, DC 20231


**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, mailed March 1, 2002, response to which has been extended to September 1, 2002 by the Petition for Extension of Time filed concurrently, Applicants submit the attached executed Declaration, executed Powers of Attorney (5) and a check in the amount of \$825.00 to cover the surcharge fee of \$65.00, the extension of time fee (four months) of \$720.00, and the assignment recordation fee of \$40.00.

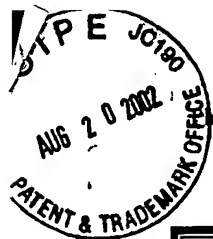
If there are any further fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0979.

Respectfully submitted,

  
Evelyn H. McConathy  
Registration No. 35,279

Date: **August 20, 2002**

DILWORTH PAXSON LLP  
3200 Mellon Bank Center  
1735 Market Street  
Philadelphia, PA 19130-7595  
Tel. (215) 575-7000  
Fax (215) 575-7200



case type a plus sign (+) inside this box → ☐

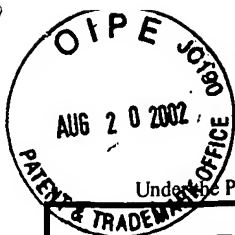
PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/071,434
		Filing Date	02/08/2002
		First Named Inventor	James Baumgardner
		Group Art Unit	3737
		Examiner Name	To be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	22253-70649 (N2377)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s) – Figs.  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)  Remarks:	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): copy of Notice to File Missing Parts; EXECUTED Declaration; EXECUTED Powers of Attorney (5); EXECUTED Assignment; check for \$825.00
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	Evelyn H. McConathy, Reg. No. 35,279	
Signature	<i>Evelyn H. McConathy</i>	
Date	August 20, 2002	

CERTIFICATE OF EXPRESS MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail Lagel No. EL929340265US, addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on this date: August 20, 2002.		
Typed or printed name	<i>Michelle D Sebastian</i>	
Signature	<i>[Signature]</i>	Date: August 20, 2002

*MP*

**FEE TRANSMITTAL  
for FY 2002***Patent fees are subject to annual revision.*☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$825.00)**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number **50-0979**Deposit Account Name **Dilworth Paxson LLP**

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee required under 37 CFR 1.16 and 1.17☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	\$
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					\$

**2. EXTRA CLAIMS FEES FOR UTILITY AND REISSUE**

				Extra Claims	Fee from below		Fee Paid
Total Claims	*	-20**	=	0	X	*	\$
Independent Claims	*	- 3**	=	0	X	*	\$
Multiple Independent				+	135	=	\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	270	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\*\*or number previously paid, if greater; For Reissue, see above

**Complete if known**

Application Number	10/071,434
Filing Date	02/08/2002
First Named Inventor	James Baumgardner
Examiner Name	To be Assigned
Group Art Unit	3737

Attorney Docket No. 22253-70649 (N2377)

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	720
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petition to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

SUBMITTED BY CUSTOMER NO. 27730

Complete (if applicable)

Name (Print/Type)	Evelyn H. McConathy	Registration No. (Attorney/Agent)	35,279	Telephone	(215) 575-7000
Signature	<i>Evelyn H. McConathy</i>	Date	August 20, 2002		

#3



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/071,434	02/08/2002	James Baumgardner	22253-70649

DILWORTH PAXSON LLP  
1735 Market Street  
Philadelphia, PA 19103



CONFIRMATION NO. 2826

## FORMALITIES LETTER



\*OC000000007567108\*

Date Mailed: 03/01/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/22/2002 CCHAU1 00000137 10071434

02 FC:205

65.00 OP